

COMPLIANCE BOARD OPINION NO. 01-15

July 13, 2001

Colonel Richard A. Romer, USAF (Retired)

The Open Meetings Compliance Board has considered your complaint that the Town Council of North Beach failed to provide proper notification of a public hearing held on June 7, 2001. Treating your complaint as an allegation that the public notice provision of the Open Meetings Act was violated, we find that the Town Council complied with the Act. If your complaint was intended to invoke requirements outside the Act pertaining to notice of public hearings, the Compliance Board has no jurisdiction to consider such an allegation.

I

Complaint and Response

Your complaint pointed out that on June 7, 2001, the Town Council of North Beach held a public hearing “to receive citizen input on two grant applications.” The complaint stated that, “after a careful search,” you had been unable to find evidence that “any notification was placed in the local media, on the Town’s signboard or its website, or any of the public bulletin boards in town.”

In a timely response, Mayor Mark R. Frazer acknowledged that two public hearings were held on June 7 with respect to certain grant applications. Mayor Frazer stated that “both hearings were advertised in the paper as required by the state authorities administering the grant.” He included certification of publication in the *Calvert Independent*, a weekly newspaper published in Calvert County. The response also objected that the complaint did not appear to involve the notice provision of the Open Meetings Act.

II

Discussion

When the Compliance Board received your complaint, we understood it to be an allegation that the notice requirements of the Open Meetings Act, found in §10-506 of the State Government Article, had not been complied with. It appears, however, that your concern is not with the adequacy of notice that the Town Council

would meet on June 7, but rather the adequacy of notice about what the Town Council intended to do at that meeting: hold a public hearing on the grant applications.

The Open Meetings Act does not distinguish between public hearings and other open meetings. Whatever the nature of the meeting, the notice requirements are the same: that written notice of the date, time, and place of the meeting be given reasonably in advance, by posting in a public place, delivery to the news media, or “by any other reasonable method.” §10-506. These requirements were satisfied in connection with the June 7 meeting. Therefore, the Act was not violated.

A public body is not required by the Open Meetings Act to state in a notice what it intends to do at a meeting. *See, e.g.* Compliance Board Opinion 99-7 (June 28, 1999), *reprinted in 2 Official Opinions of the Open Meetings Compliance Board* 52; Compliance Board Opinion 98-9 (December 14, 1998), *reprinted in 2 Official Opinions of the Open Meetings Compliance Board* 31. Moreover, the Act does not impose any special notice or other requirements relating to a public hearing. This fact is unsurprising, for the Act itself merely affords members of the public a right to attend and observe an open meeting. §§10-501(a)(2) and 10-507(a). Nothing in the Act entitles members of the public to participate in a meeting, whether through the formality of a public hearing or otherwise.

To be sure, other laws often impose a public hearing requirement as a prerequisite to governmental action of one kind or another. That appears to have been the case here with respect to the Town’s grant applications. To the extent that another law requires a public hearing, it typically prescribes the means by which members of the public are to be notified of the hearing. The Open Meetings Compliance Board, however, does *not* have jurisdiction to consider a public body’s adherence to notice requirements other than those in the Open Meetings Act itself. *See* Compliance Board Opinion No. 01-14 (July 10, 2001).

OPEN MEETINGS COMPLIANCE BOARD

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